

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMMIE SWEARENGIN,

Plaintiff,

v.

Case No. 09-13175

J ALEXANDER'S CORPORATION,

Defendant.

**ORDER STRIKING PLAINTIFF'S
"FIRST AMENDED COMPLAINT AND JURY DEMAND"**

On August 12, 2009, Plaintiff, represented by attorney Michael Pitt, initiated this action by filing a complaint with the court. On October 19, 2009, Pitt filed a "First Amended Complaint and Jury Demand," that purported to have been presented "in proper" and purported to have been "signed" by Plaintiff in a form consistent with the manner required of users of the court's CM/ECF system, as though Plaintiff were registered as an electronic filer.

On November 9, 2009, Defendant filed its answer to the first amended complaint, and on November 12, 2009, Pitt filed a "Motion to Withdraw as Plaintiff's Counsel."

The manner in which the "First Amended Complaint" was filed violates the court's local rules in at least two ways, and will be stricken. First, *pro se* litigants are allowed to electronically file papers only with the court's permission. E.D. Mich. LR App'x ECF R3. Second, the supposed *pro se* complaint having been filed under Pitt's electronic login and password—which together "serve as the filing user's signature on all papers filed electronically" (E.D. Mich. LR App'x ECF R9)—has created an inconsistent entry on the

court's docket. Pitt in fact remains responsible under Rule 11 and the Local Rules for the filed document, but the document itself bears no indication of Pitt's involvement. Indeed, the filing as a whole gives the appearance of Plaintiff having been allowed to file a self-signed paper that evades the strictures of the court's electronic filing rules.¹

Accordingly,

IT IS ORDERED that Plaintiff's "First Amended Complaint and Jury Demand" [Dkt. # 3] is STRICKEN from the court's docket.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 20, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 20, 2009, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹ In addition, a party currently represented by counsel is generally not permitted to simultaneously appear *pro se*. There is no right to "hybrid" representation. See, e.g., *United States v. Mosley*, 810 F.2d 93, 97-98 (6th Cir. 1987).